IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1807 OF 2022

BALAJI VISHWAMBHAR DEVKATE
VERSUS
THE STATE OF MAHARASHTRA

Mrs. Priyandra G. Sontakke, Advocates for applicant;
Mr. K.S. Patil, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 22nd December, 2022

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.

2. Unfortunately, the applicant father lost the temper due to inability to arrange Rs.2 Lakh for the marriage of his daughter/deceased. The first information report reveals that the applicant has lost the temper, when the issue of the marriage of deceased was emerged in the family. Then, the quarrel took place between him and his wife. In a fit of anger, the applicant assaulted his wife and when the daughter intervened, he assault her on her head.

3. Considering the situation and the way in which the offence happened, the applicant may not be tried for murder. *Prima facie* there appears no intention. Be that as it may, the incident appears to

have happened due to the pressure over father about the marriage of a young daughter.

4. The learned A.P.P. has expressed an apprehension that the applicant may assault his wife too. The possibility may be there, but some conditions may be imposed to avoid such apprehension and tampering with the prosecution witnesses. Hence, the following order:-

i) The application is allowed.

ii) Applicant Balaji s/o Vishwambhar Devkate be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of like amount in C.R.No.124 of 2022, registered with Mukhed Police Station, Taluka Mukhed, District Nanded, for the offence punishable under Sections 302, 324 and 504 of the Indian Penal Code, on the conditions;

(a) He shall stay away from his place of residence for six months from the date of his release,

(b) He shall not tamper with the prosecution witnesses and

(c) He shall attend the trial on every effective date.

(S. G. MEHARE, J.)

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